

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
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4 INFINITE MASTER MAGNETIC,
5 Plaintiff,
6 v.
7 STATE OF NEVADA, et al.,
8 Defendants.
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Case No.: 2:22-cv-00943-JAD-NJK

REPORT AND RECOMMENDATION

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11 On June 13, 2022, Plaintiff filed an application to proceed *in forma pauperis* and a
12 complaint to attempt to initiate this action. Docket No. 1. On June 15, 2022, the Court denied
13 Plaintiff's application to proceed *in forma pauperis* without prejudice and ordered Plaintiff to
14 either pay the full filing fee or file a completed application to proceed *in forma pauperis*, no later
15 than August 15, 2022. Docket No. 3. When Plaintiff failed to timely comply with the Court's
16 order, the Court ordered Plaintiff to file a new application to proceed *in forma pauperis* or pay the
17 full filing fee no later than September 19, 2022. Docket No. 4. The Court warned that "[f]ailure
18 to comply will result in a recommendation to the District Judge that this case be dismissed." *Id.*
19 at 2. Notwithstanding that warning, Plaintiff did not comply. *See* Docket.

20 This case cannot proceed without Plaintiff either paying the filing fee or filing a motion to
21 proceed *in forma pauperis*. *See* 28 U.S.C. § 1914(a); *see also* 28 U.S.C. § 1915(a). Having refused
22 to do either in this case, Plaintiff's complaint is subject to dismissal. *E.g., Desai v. Biden*, 2021
23 WL 38169, at * 1 (E.D. Cal. Jan. 5, 2021), *adopted*, 2021 WL 276236 (E.D. Cal. Jan 27, 2021).

24 Moreover, Plaintiff's refusal to comply with the Court's order has interfered with the
25 Court's ability to hear this case, delayed litigation, disrupted the Court's timely management of its
26 docket, wasted judicial resources, and threatened the integrity of the Court's orders and the orderly
27 administration of justice. Sanctions less drastic than dismissal are unavailable because Plaintiff
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1 has refused to comply with the order of this Court notwithstanding the warning that case-
2 dispositive sanctions may be imposed.

3 Therefore, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
4 prejudice.

5 Dated: October 31, 2022

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7 Nancy J. Koppe
United States Magistrate Judge
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